

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

RFA.No. 154 of 2007()

OS.454/2006 of I ADDL.SUB COURT,ERNAKULAM

.....

APPELLANT/PLAINTIFF

ING VYSYA BANK, A BODY CORPORATE CONSTITUTED AND
FUNCTIONING UNDER THE BANKING COMPANIES ACT, HAVING
ITS H.O OFFICE AT BANGALORE AND BRANCHES AMONG OTHER
PLACES AT M.G ROAD, RAVIPURAM,COCHIN-16 REPRESENTED IN THIS
APPEAL BY THE SENIOR RELATIONSHIP MANAGER.ING VYSYA
BANK,RETAIL BANKING DIVISION, M.G ROAD,RAVIPURAM,COCHIN-16.
THE PRINCIPAL OFFICER THEREOF DULY AUTHORISED AND
EMPOWERED TO REPRESENT THE APPELLANT/PLAINTIFF.

BY ADV. SRI.R.S.KALKURA
SRI.V.VINAY MENON

RESPONDENTS: RESPONDENT/DEFENDANT

R.RAJESH CHANDRAN,S/O.K.RAMACHANDRAN,
AGED 33 YEARS,RESIDING AT KAVADI VEEDU,SNRA-A25,
A.K.SIVANANDAN ROAD,VENPALAVATTOM,ANAYARA P.O
THIRUVANANTHPAURAM-695 029.

BY/

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ
=====

R.F.A NO. 154 OF 2007

=====

Dated this the 16th day of July, 2007.

JUDGMENT

Kurian Joseph,J

The appellant approached this Court to set aside the judgment and decree dated 14.02.2007 in O.S. No. 454/2006 on the file of the Subordinate Judge's Court, Ernakulam. It is seen from the judgment that the plaint was rejected for non-payment of the balance court fee. Having heard the counsel for the appellant and having regard to the facts and circumstances of the case, which are not disputed by the respondents, we are of the view that it is only in the interest of justice that a further opportunity is given to the appellant. Accordingly, we dispose of the appeal as follows:

The appeal is allowed and judgment is set aside. The appellant shall furnish the balance court fee within a period of 10 days from today. A copy of the judgment will be furnished to the petitioner immediately. In case the court fee is not paid as above, the appeal will stand dismissed.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

